

1 COREY B. BECK, ESQ.  
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5 Attorney for Debtor

6 **UNITED STATES BANKRUPTCY COURT**

7 **DISTRICT OF NEVADA**

8 In Re: ) BK-S-19-16636-MKN  
 9 CENSO, LLC. ) Chapter 11  
 10 )  
 10 Debtor. ) HEARING DATE: June 24, 2020  
 11 ) HEARING TIME: 9:30 AM

12 **OPPOSITION TO NEWREZ, LLC., D/B/A SHELLPOINT MORTGAGE**  
 13 **SERVICING'S MOTION FOR RELIEF FROM AUTOMATIC STAY**

14 COMES NOW, Debtor, CENSO, LLC. ("Debtor"), by and through their attorney,  
 15 COREY B. BECK, ESQ., hereby opposes the NewRez, LLC., d/b/a/ Shellpoint Mortgage  
 16 Servicing's ("secured creditor") Motion for Relief From Automatic Stay as follows:

17 As a preliminary matter, counsel for secured creditor agreed with undersigned counsel  
 18 that an opposition can be filed by Monday, June 15, 2020. Therefore, opposition is "timely" as  
 19 opposition has been filed by required date.

20 11441 Allerton Park Drive, #411, Las Vegas, NV 89109 (hereinafter "subject property")  
 21 was purchased by Ke Aloha Holdings LLC., at an HOA foreclosure sale in 2013. *See Exhibit*  
 22 *"1" - Copy of December 19, 2013 Foreclosure Deed.* Melani Schulte is principal of Ke Aloha  
 23 Holdings, LLC., and two other entities, which have been deeded as property owner.

24 In December 31, 2014, the subject property was deeded from Ke Aloha Holdings, LLC.,  
 25 to Ke Aloha Holding Services II. *See Exhibit "2" - Copy of December 13, 2014 Quitclaim Deed.*  
 26 Ke Aloha Holdings, LLC., deeded property to Censo, LLC., on October 9, 2019. *See Exhibit "3"*  
 27 *- Copy of January 9, 2019 Grant Bargain Sale Deed.*

28 Ke Aloha Holdings, LLC., was party in HOA lawsuit. Case No. 2:14-cv-0163-RFB-NJK.

1 The October 31, 2019 order adjudicated that Ke Aloha Holdings, LLC., was owner of the  
2 property but subject to Fannie Mae's deed of trust (federal interest). "The Court quiets title and  
3 dealings that Defendant Ke Aloha acquired the subject property to Fannie Mae's deed of trust.

4 *See Exhibit "4" - October 31, 2019 Order - Page 8.*

5 Subject property is loft unit located in Summerlin area. Property was purchased several  
6 years ago as investment property.

7 **LEGAL AUTHORITY**

8 Secured creditor asserts that Debtor is not a "business" which should be afforded  
9 opportunity to reorganize. Debtor asserts that it has validity to acquired title for purpose of  
10 managing investment property. Debtor will supplement with Declaration noting thousands of  
11 dollars spent as property was left in "rough shape" by former owner - James Pengilly when  
12 property was awarded to Debtor's predecessor Ke Aloha Holdings. The bottom line is that  
13 Debtor has spent time and money in regard to this investment property.

14 Secured creditor agrees on Page 6 of motion that there required debtor/creditor  
15 relationship does not exist. Therefore, there is basis for relief from stay. Debtor's predecessor-  
16 in-interest Ke Aloha Holdings, LLC., directly purchased subject property at foreclosure sale.  
17 Moreover, the Honorable Judge Richard Boulware's order states that Aloha Holdings LLC., is  
18 owner of subject property to mortgage. *See Exhibit "4" - Page 8.* Therefore, there is direct  
19 relationship between debtor/creditor by virtue of foreclosure deed as well as court order.

20 Secured creditor has cited a lot of cases that third party unrelated to mortgage/deed of  
21 trust relationship can not reorganize in bankruptcy. In the instant case, Debtor has direct  
22 relationship as Debtor is successor-in-interest to foreclosure deed (HOA sale). Moreover,  
23 October 31, 2014 Order that Ke Aloha Holdings, LLC., owns subject property to mortgage. The  
24 bottom line is that there is nexus in instant case. Debtor is not a "stranger" to mortgage debt  
25 and/or property.

26 Debtor through undersigned counsel will file adversary action prior to Motion for Relief  
27 From Stay hearing. Lawsuit will assert that NewRez, LLC.'s claim is unsecured because Deed of  
28 Trust has incorrect legal description. In addition, physical property address is incorrect on the

1 Deed of Trust. Therefore, NewRez, LLC.'s claim should be deemed unsecured. Debtor obtained  
2 appraisal on property for \$369,000.00. Debtor will seek to value property at \$369,000.00, if the  
3 Court deems secured creditor has valid secured claim. *See Exhibit "5" - Copy of Appraisal.*

4 DATED this 15<sup>th</sup> day of June, 2020.

5 /s/ COREY B. BECK, ESQ.  
6 COREY B. BECK, ESQ.  
7 Nevada Bar No. 005870  
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19 **CERTIFICATE OF MAILING OF OPPOSITION TO NEWREZ, LLC., D/B/A**  
20 **SHELLPOINT MORTGAGE SERVICING'S MOTION FOR RELIEF FROM**  
21 **AUTOMATIC STAY**

22 I hereby certify that on the 15<sup>th</sup> day of June, 2020, I mailed a true and correct copy of the  
23 ***OPPOSITION TO NEWREZ, LLC., D/B/A SHELLPOINT MORTGAGE SERVICING'S***  
24 ***MOTION FOR RELIEF FROM AUTOMATIC STAY***, was sent ECF electronic mail, facsimile  
25 and/or first class mail, postage pre-paid, to the following parties of interest, at their last known  
26 addresses, as follows:

27 Michael Chen, Esq.  
28 McCARTHY & HOLTHUS  
9510 West Sahara Avenue  
Suite 200  
Las Vegas, NV 89117  
Ph.: (702) 685-0329  
Fax: (866) 339-5691  
NVBK@McCarthyHolthus.com  
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29 **SENT VIA ECF ELECTRONIC MAIL**

30 /s/ VANESSA ANDERSON  
31 An Employee of  
32 The Law Office of Corey B. Beck, P.C.